

**REMARKS**

This Amendment is in response to the Office Action dated November 15, 2007. Claims 52, 54, 59 and 61 have been amended, claims 55, 56, 60, 62, 64 and 66 have been canceled and claims 67-72 have been added. Claims 52-54, 57-59, 61, 63, 65 and 67-72 are in the case, with claims 52, 61 and 72 being in independent form.

Claims 52-66 were rejected under 35 U.S.C. §103(a), as allegedly being unpatentable over U.S. Patent 6,304,857 to Heindel et al. in view of U.S. Patent 5,974,146 to Randle et al. Applicant has carefully considered the Examiner's comments and the cited art, and respectfully submits independent claims 52 and 61 are patentable over the cited art, for at least the following reasons.

Independent claim 52 relates to a method for conducting financial transactions comprising, *inter alia*, linking a first terminal identifier of a first communication device to a first account number of a first account, storing the linked first terminal identifier and the first account number in the intermediate database and receiving from the first communication device via a communication network, information to be used to identify a second account and an amount to be paid from the first account to the second account. The intermediate database is accessed and the first terminal identifier of the first communication device is used to obtain the first account number. The first account number is used to communicate a signal to interrogate the first account to determine whether sufficient funds are available in the first account to effect payment. When it is determined that sufficient funds are available, a signal is communicated to debit the

first account and to credit the second account.

According to an embodiment of a salient feature of the present claims, a first terminal identifier (e.g., a phone number or other unique identifying information) of a first communication device (e.g., a cell phone) is linked to a first account number (e.g., bank account number) of a first account (e.g., a bank account) and the information is stored at an intermediate database. According to this embodiment, if the user of the cell phone desires to make a purchase, the user makes a call to their cellular network and enters the amount to be paid, the telephone number of the point of sale terminal and a personal identity code. The cellular network then communicates with the intermediate database to determine the user's bank account from the phone number or other unique identifying information of the cellular phone. In this way, the user does not need to provide sensitive information such as their bank account details over the cellular network. Of course, the claims are not limited to the disclosed embodiments.

Heindel et al., as understood by Applicant, relates to a distributed electronic billing system with gateway interfacing biller and service center. The electronic billing system converts billing data from a legacy billing system (e.g., a paper billing system) into an electronic bill format. The Office Action suggests that element 40 of Fig. 1 in Heindel et al. corresponds to the claimed intermediate database. In actuality, Fig. 1 of Heindel et al. shows an electronic billing system that enables multiple billers to electronically distribute their billing statements to many consumers over a network (col. 3, lines 55-58.) Multiple participating billers 22, multiple banks 26 and multiple consumers 28 can connect to service center system 24 via a network such

as the Internet. Database 40 is actually a database for storing biller statements that are electronically distributed to consumers over the network (col. 5, lines 53-55.)

However, Applicant finds no teaching or suggestion in Heindel et al. of an intermediate database that stores a linked first terminal identifier and a first account number, the linked first terminal identifier being a first terminal identifier of a first communication device that is linked to the first account number of a first account, as recited in independent claim 52.

In addition, the Office Action also suggests that Col. 7, lines 16-50 of Heindel et al. allegedly describes the claimed linking step. In actuality, this portion of Heindel et al. appears to only describe a biller integration system that converts billing data from the biller's legacy billing system into data acceptable to the service center. It is not understood how this portion, or for that matter how any cited portion of Heindel et al., can be even vaguely understood to correspond to the claimed linking step wherein a first terminal identifier of a first communication device is linked to a first account number of a first account, as recited in independent claim 52.

The Office Action also suggests that Col. 8, lines 23-39 of Heindel et al. allegedly describes the claimed receiving step. This portion of Heindel et al. actually describes how consumers can review their bills and determine whether to pay all, part or none of a bill and that the service center receives the payment and bundles various payments destined for individual billers into batch disbursements for those billers. However, Applicant finds absolutely no teaching or suggestion in the Heindel et al. of receiving from the first communication device information to be used to identify a second account and an amount to be paid from the first

account to the second account, accessing the intermediate database and using the first terminal identifier of the first communication device to obtain the first account number and using the first account number to communicate a signal to interrogate the first account to determine whether sufficient funds are available in the first account to effect payment, as recited in independent claim 52.

Randle, as understood by Applicant, provides none of the elements missing from Heindel et al. that would have made the claims obvious to a person of ordinary skill in the art.

Accordingly, Applicant submits independent claim 52 is patentable over the cited art. Independent claim 62 is believed to be patentable for at least similar reasons.

In addition, Applicant finds no teaching or suggestion in the cited art of a system for conducting financial transactions comprising a communications network in communication with a device having a first terminal identifier uniquely associated therewith and an intermediate database system in communication with the communications network and including a database for storing linking information linking the first terminal identifier with a first account number, wherein the intermediate database system receives from the first communication device via the communications network, the first terminal identifier, information to be used to identify a second account, and an amount to be paid from the first account to the second account, accesses the database and uses the linking information to identify the first account number from the first terminal identifier to thereby obtain information relating to the first account, uses the information relating to the first account to communicate a signal to interrogate the first account to determine

whether sufficient funds are available in the first account to effect payment, and when it is determined that sufficient funds are available, communicates a signal to debit the first account and to credit the second account, as recited in independent claim 72.

In view of the present Amendment, it is believed that the claims are now in condition for allowance. Accordingly, prompt consideration and allowance of the present application are respectfully requested.

It is submitted that no new matter has been added and no new issues have been raised by the present Amendment.

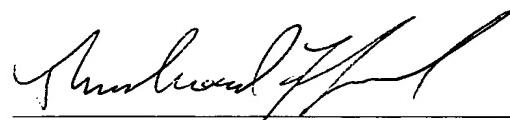
The Office is hereby authorized to charge any additional fees that may be required in connection with this amendment and to credit any overpayment to our Deposit Account No. 03-3125.

If a petition for an extension of time is required to make this response timely, this paper should be considered to be such a petition, and the Commissioner is authorized to charge the requisite fees to our Deposit Account No. 03-3125.

If a telephone interview could advance the prosecution of this application, the Examiner is respectfully requested to call the undersigned attorney.

Entry of this amendment and allowance of this application are respectfully requested.

Respectfully submitted,



RICHARD F. JAWORSKI  
Reg. No. 33,515  
Attorney for Applicants  
Cooper & Dunham LLP  
Tel.: (212) 278-0400